

Congress of the United States
Washington, DC 20515

May 14, 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 U.S. Capitol
Washington, D.C. 20515

The Honorable Harry Reid
Majority Leader
U.S. Senate
S-221 U.S. Capitol
Washington, D.C. 20515

Chairman Henry Waxman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20510

Chairman Max Baucus
Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi, Majority Leader Reid, Chairman Waxman and Chairman Baucus:

As you finalize legislation that will provide a six month extension of the enhanced Federal Medical Assistance Percentage (FMAP) we urge you to include language that will protect children across our nation.

We were pleased that Patient Protection and Affordable Care Act (PPACA) passed earlier this year included a Maintenance of Effort (MOE) requiring states to maintain their eligibility and enrollment systems for those covered under the Children's Health Insurance Program (CHIP). Furthermore, the enhanced FMAP has provided critical funding to states facing severe financial hardships.

In a May 6, 2010 letter to Secretary Sebelius you ask that the Department of Health and Human Services "clarifies that MOE requirements bar the implementation of enrollment caps and freezes, or other restrictive eligibility procedures, that were not already in place and operational as of March 23, 2010." We are grateful for this clear indication that you understand the potential devastation of enrollment freezes on children's health. We are concerned that this language may single out Arizona as the only state that had an enrollment freeze prior to passage of PPACA.

Since the enrollment freeze in December 2009, Arizona's KidsCare enrollment has plummeted from 47,000 to 33,700. The Arizona Joint Legislative Budget Committee estimates that by June 2011 there will be 10,622 children enrolled and by 2015 there will be a total of 194 children in KidsCare.

We are writing today to urge you to add language to The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act (H.R. 4213) that would amend Section 5001 of the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5) to allow the MOE that

was included to apply not only to Medicaid but also to CHIP. We ask the language further clarify that the MOE requirement includes maintaining enrollment levels or bars the implementation of enrollment caps and freezes, or other restrictive eligibility procedures in all states.

This language would strengthen the congressional intent of the PPACA MOE and would send a strong signal to states that for health reform to be successful and to continue to receive enhanced FMAP, current programs must be maintained. Without such language, CHIP programs across the nation remain vulnerable.

Sincerely,

A handwritten signature in blue ink, reading "Raúl M. Grijalva", written over a horizontal line.

Raúl M. Grijalva
Member of Congress

A handwritten signature in blue ink, reading "Ed Pastor", written over a horizontal line.

Ed Pastor
Member of Congress

cc: Chairman Sander M. Levin
House Committee on Ways and Means